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TOM LYTHGOE, CHAIR

KEN WEBER

DAVE KIRSCH

**PROCEEDING OF THE BOARD OF COMMISSIONERS  
COUNTY OF JEFFERSON, STATE OF MONTANA  
August 18, 2009**

**Present:** Commissioners Lythgoe, Weber and Kirsch; Ray Lee

**MINUTES**

Commissioner Weber moved to adopt the minutes of July 28. Commissioner Kirsch seconded. The motion carried.

**REPORTS**

Commissioner Lythgoe noted the receipt of the Treasurer's cash report for July.

**CORRESPONDENCE**

Commissioner Lythgoe read a letter from CTEP acknowledging the selection of Great West Engineering to do the preliminary engineering on the Montana City School Trail CTEP project.

Commissioner Lythgoe read a letter from Homeland Security regarding an amendment to a homeland security grant for interoperability. The award amount was increased by \$75,822.00 for the purchase and installation of a new tower.

Commissioner Weber read a letter from Interoperability Montana inviting the Commission to a meeting regarding interoperability. The meeting will be held in Butte on Wednesday and will involve several counties. Commissioner Weber said that he would attend the meeting.

Commissioner Lythgoe read a petition from residents of Forest Park Estates encouraging the Commission to proceed with the creation of a RID/RMD. Commissioner Lythgoe stated that a resolution of intent to create the district will be placed on a future agenda to get the process started.

Commissioner Lythgoe noted the receipt of a speed study that was performed by MDT at LaHood Park. Commissioner Weber stated that the speed was taken down to 55 mph, which is good. The owner of LaHood would like a school bus stop sign installed also.

Commissioner Weber moved to write a letter stating acceptance of speed recommendation and requesting school bus stop signs be installed. Commissioner Kirsch seconded. The motion carried.

### **CALENDAR REVIEW**

- 8/19 Architect selection committee - RMDC - 8:00  
Interoperability meeting - Butte - 2:00
- 8/20 Architect selection committee - RMDC - 9:00  
RMDC - Helena - 2:00  
Library Board - Whitehall - 6:30
- 8/21 Metal mines loan committee - Whitehall - 8:30
- 8/22 Skate park dedication - Boulder - 11:00
- 8/24 Meeting regarding personnel - 11:00

### **COMMISSION REPORTS**

#### **TRI-COUNTY FIRE**

Commissioner Lythgoe reported on the TriCo Fire meeting held on Thursday. They are doing some mitigation projects with grant money received, which has a 50/50 cost share with participants. This is a change from the 25% that was previously required from the participant. They discussed giving senior citizens a cost break.

#### **MTAG**

Commissioner Lythgoe reported that the MTAG meeting needed to be rescheduled due to lack of a quorum. He won't be able to attend the rescheduled meeting due to a scheduling conflict.

#### **WOODY WASTE**

Commissioner Weber reported that the Commissioners met with Joe Carter at Hardware Café on Thursday to discuss the beetle kill fee issue. They decided that the County would pay \$20,000 into the Solid Waste District to deal with the woody waste and the extra costs associated with that, so the fee has been discontinued.

#### **CTAC**

Commissioner Weber reported on the CTAC meeting held on Thursday. The mine is progressing well with the layback and they hope to open several months ahead of schedule. Also, there is a very good possibility that they will have the opportunity to open the mill sooner with ore from outside sources. There is a possibility that they could open up to a year earlier than previously thought.

#### **REPRESENTATIVE REHBERG**

Commissioner Kirsch Tuesday met with Maren Olsen, Bob Marks, and Scott Mendenhall. They discussed health care and the water situation. Rehberg seems to be opposing everything.

#### **FAIR BOARD**

Commissioner Kirsch reported that he met with the Fair Board on Wednesday. They are

concerned with their budget. If the board gets a grant they applied for, and appears they will, they will want the county to give them additional funds that they will need to complete the bleacher project.

#### WEED BOARD

Commissioner Kirsch reported that he attended the Weed Board meeting on Thursday. He learned that they used a helicopter to spray weeds in Boulder Valley. This seems a much better cost than the fixed-wing aircraft. Sam is researching if they would be available for mosquito spraying.

#### ITEMS FOR COMMISSIONERS ACTION OR REVIEW

##### DISCUSS AND DECIDE ON WAGING A COUNTY-WIDE WAR ON MOSQUITOS

Commissioner Weber stated what initiated this is that the Boulder mosquito district ran out of money again this year. The Whitehall district collects a good amount of money, but they are still having problems keeping up, mostly with mosquitoes coming in from outside the district. Both the Boulder and the Whitehall districts but up against the Boulder Valley district and the Boulder Valley district contributes a massive amount of mosquitoes to both those districts. They also had a resident from the north end at a recent Commission meeting who noted that there are several ponds in the area that are prime mosquito breeding grounds. He noted that Commissioner Lythgoe has mentioned the problem that used to exist in the Helena Valley, which they no longer have, even though flood irrigation continues. He wanted to start the discussion and think about dedicating PILT or metal mines money to finance the project.

Commissioner Lythgoe said that this is an important conversation to have. He thinks that the only way they are going to make a difference is with aerial spraying, and spraying the entire county. He thinks that it is important for all of the districts to get together and sit and discuss what can be done. Also, they need to raise more money in the Boulder district, it needs to be put to a vote, so that they can fight this problem appropriately. Dropping pellets and ground spraying isn't doing the job. They need to come up with a way to do aerial spraying county-wide; they may need to co-mingle funds.

Commissioner Kirsch said that he is in full agreement. He thinks that the problem that we seem to get into is that we start too late to get the job done. He also feels that they need to research the helicopter option. Commissioner Lythgoe said that from what he has read, same spray will also take care of spruce bud worm, which is a huge problem in the area also. Commissioner Kirsch said that he would be more than happy to pursue the helicopter option. Commissioner Lythgoe agreed that the helicopter option should be pursued. First however, they need to get the three districts together to sit down and talk. We need to come up with a plan this winter that can be implemented early spring and we need to get a task force together to bring the districts together for a discussion.

Ray Lee said that it is time to stop throwing nickels at dollars. It is time to step up and take care of the problem. If we are going to have a program, then we need to get started. The districts need to have more funds. The County needs to prepare for the worst – have the money set aside to pay for the airplane, but hope that the helicopter is certified for mosquito spray.

Commissioner Lythgoe summed up the discussion by stating that we need to get a task force together, get the districts together, study Helena, and study other areas that have dealt with this problem. We also need to get rid of the three districts and make the entire county one district.

**PUBLIC HEARING – PETITION TO ANNEX ADJACENT TERRITORY INTO THE BASIN FIRE DISTRICT**

Commissioner Lythgoe called public hearing to order and called for comments. Commissioner Weber stated that the landowner did come into the Commission office and express her desire to have all of her property within one fire district. The majority of her holdings are already within the Basin Fire District.

Hearing no further comments, Commissioner Lythgoe closed the public hearing.

**RESOLUTION 25-2009 ANNEXING ADJACENT TERRITORY INTO THE BASIN FIRE DISTRICT**

Commissioner Weber read the resolution as follows:

**RESOLUTION 25-2009**

**RESOLUTION ANNEXING ADJACENT TERRITORY TO THE  
BASIN FIRE DISTRICT**

**WHEREAS**, pursuant to § 7-33-2125, MCA, the Board of County Commissioners received a petition requesting the annexation of certain lands adjacent to the Basin Fire District in Jefferson County. The matter having been published legally on August 5 and August 12, 2009 and now this matter having come before the Board of County Commissioners of Jefferson, Montana for hearing on August 18, 2009 at 2:00 pm; with said Board of County Commissioners having held an open meeting, heard statements and evidence and having reviewed the Petition and various other documents and maps; and with the said Board of County Commissioners being duly advised in the premises; and,

**WHEREAS**, the Board of County Commissioners of Jefferson County, Montana, has received a written Petition, signed by fifty percent (50%) or more of the owners of the area of privately owned lands proposed to be annexed, seeking the annexation to the Basin Fire District of adjacent lands; and that said Petition appears to be in proper form and free from legal defect in all respects; and,

**WHEREAS**, the area subject to the said Petition constitutes lands adjacent to the existing Basin Fire District that said area and lands are not already part of any fire district; and,

**WHEREAS**, the area of adjacent lands, subject to the Petition, are described in Exhibits “A” and “B” hereto, which exhibits are by this reference incorporated in these Findings and made a part hereof; and that Exhibit “B” includes a map of the area as an attachment; and,

**WHEREAS**, the Clerk and Recorder of Jefferson County, has examined said Petition and has determined that the same has been signed by the owners of fifty percent (50%) or more of the said area of adjacent, privately owned lands; and the said Clerk and Recorder has further certified to this Board of County Commissioners that the signers of the Petition constitute a majority of the taxpaying freeholders, within such area, whose names appear on the last completed assessment roll; and,

**WHEREAS**, the said Petition has been presented to the Board of Trustees of the Basin Fire District and has been approved by said Trustees; and that said Trustees are willing and able to provide fire protection services to the area subject to the Petition; and,

**WHEREAS**, due and proper notice of the hearing of said Petition, was duly published in the *Whitehall Ledger*, the newspaper designated by the Jefferson County Board of County Commissioners, respectively, for the publication of legal notices, in the manner required by law; and,

**WHEREAS**, the Board of County Commissioners has received no written protest to the petition, nor any other written or oral objections to the proposed annexation of adjacent lands; and,

**WHEREAS**, pursuant to § 7-33-2125, MCA, the annexed territory is required to become liable for outstanding warrants and/or bonded indebtedness, if any, of the original district.

**NOW, THEREFORE**, on the basis of the foregoing findings, this Board of County Commissioners of Jefferson County, Montana, hereby resolves:

- A. That this Board of County Commissioners has jurisdiction over the subject Petition and over these proceedings.
- B. That the area described in Exhibits “A” and “B” (including the map) which are adjacent to the existing Basin Fire District, ARE ANNEXED to the said Basin Fire District.
- C. That, hereafter, at all times and for all purposes, the Basin Fire District shall comprise and include not only those lands presently included within said Fire District’s boundaries,

but also all of the privately owned lands described in Exhibits “A” and “B” hereto.

- D. That such annexed lands and territory shall be hereafter liable for any outstanding warrants and any bonded indebtedness of the original Basin Fire District per statutory requirements.

**DATED** this 18<sup>th</sup> day of August, 2009.

**ATTEST:**

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**BONNIE RAMEY  
CLERK AND RECORDER**

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**TOMAS E. LYTHGOE, CHAIR**

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**KEN WEBER, COMMISSIONER**

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**DAVE KIRSCH, COMMISSIONER**

Commissioner Weber moved to adopt the resolution. Commissioner Kirsch seconded. The motion carried.

Commissioner Weber moved to adjourn. Commissioner Kirsch seconded. The motion carried.

**MEETING ADJOURNED**

**ATTEST:**

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**BONNIE RAMEY  
CLERK AND RECORDER**

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**TOMAS E. LYTHGOE, CHAIR**

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**KEN WEBER, COMMISSIONER**

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**DAVE KIRSCH, COMMISSIONER**